

Title: University of California Retirees Returning to Work at the Laboratory

Summary:

This instruction explains the process to be used whenever a University of California (UC) retiree (retiree) seeks to return to work at LANL, either as a UC employee, as a contractor, under a task order, or under a consulting agreement or similar arrangement. Director's approval is needed in most cases before retirees may be rehired.

Application:

This instruction applies to Los Alamos National Laboratory (LANL) UC retirees, LANL employees who may contemplate returning to work after retirement, and LANL managers who may contemplate hiring retirees. Managers must follow this instruction prior to extending offers of employment to UC retirees. This instruction is in effect on July 7, 2004, and supersedes prior LANL policies and guidance.

Background:

In conjunction with UC, LANL is preparing a policy that will require a compelling operational justification for utilizing a retiree for work at LANL. This is necessary both from a financial perspective and to ensure that managers and employees effectively plan for the transfer of knowledge when an individual is planning to retire. Until the proposed policy is issued, this Director's Instruction provides interim direction to ensure that UC retirees who return to work at LANL are hired for compelling operational reasons. Compelling operational reasons are unusual circumstances that make the utilization of a specific UC retiree's unique capabilities critical to LANL's successful pursuit of its mission. Examples include transfer of critical knowledge and expertise to avoid failure of a project and completion of short-term LANL work in progress at the time of retirement that cannot be completed through other means.

Instructions:

With the following exceptions, this instruction applies whenever LANL managers wish to retain the services of a UC retiree as a UC employee, a staff augmentation contractor, or pursuant to a task order, consulting agreement or similar arrangement. The exceptions are:

- UC retirees who are Retired Laboratory Fellows.
- UC retirees who will perform work for PTLA, KSL, or Aramark.
- UC retirees currently performing work for LANL ("grandfathered" retirees) in a non-UC status, so long as there is no change in work assignment, such as assignment to a new project, different group, or an extension of time.

- UC retirees currently performing work for LANL (“grandfathered” retirees) as a UC employee, until such time as the retiree is no longer a UC employee (i.e., if the individual ceases UC employment and thereafter wishes to return, this instruction will apply).
- UC retirees performing work for companies that provide to LANL ancillary maintenance and repair services (e.g., copy machine repair) or other ancillary services such as package delivery (e.g., UPS or FedEx) or building construction (e.g., Hensel Phelps).
- UC retirees who are receiving annuity payments and who will suspend such payments and re-enter the retirement plan upon rehire.

Other than the exceptions above, the Director must approve all hires of LANL UC retirees. Prior to the UC retiree commencing work at LANL, the following steps must occur.

1. The LANL manager must send a memorandum to the Division Leader for Human Resources (DHR) that states the UC retiree’s: a) name; b) retirement date; c) position at the time of retirement; d) proposed assignment, including a description of the work to be performed; and e) proposed start date. The memorandum must also state the compelling operational circumstances requiring the UC retiree's return to work at LANL.
2. The DHR will determine: a) whether the UC retiree has had a true separation from service (required pursuant to Internal Revenue Service regulations governing the UC pension plan); and b) whether the memorandum addresses the issues set forth in paragraph 1.
3. If the DHR determines that there has been a true separation from service and that the memorandum addresses the issues as required, (s)he will forward the memorandum to the Director for review and decision. If the DHR determines that there has not been a true separation from service the requesting manager will be notified that the proposed hire cannot take place on the proposed start date. If the DHR determines that the manager’s memorandum does not address the issues as required by this instruction, the DHR will so notify the manager; the manager has the option of revising and resubmitting the memorandum or dropping the proposed hire.
4. The Director will determine whether to accept the proposal and will provide a written decision to the DHR. The DHR will then coordinate with the proposing manager to carry out the Director's decision.
5. Under no circumstances may a manager commit to procure the services of a UC retiree covered by this instruction prior to the written approval of the Director as communicated through the DHR.

Contact: Human Resources Division, Staff Relations Office (HR-SR), 7-8730

Reviewed by the Policy Office Name M. Diana Webb	Signature Signature on File	Date 01/06/2005
Issued by the Director George P. Nanos	Signature Signature on File	Date 01/19/2005

This instruction will remain in effect until this information is included in the relevant implementing document or otherwise rescinded.